

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1100 P. 1 2005

TELEPHONE: (310) 207-3800

**INTELLECTUAL PROPERTY LAW  
12400 WILSHIRE BOULEVARD, 7TH FLOOR  
LOS ANGELES, CA 90025**

FACSIMILE: (310) 820-5988

**FACSIMILE COVER SHEET**

Deliver to: Jonathan M. Foreman, USPTO

Art Group: 3736

Facsimile No.: (571) 273-8300

Date: October 11, 2005

From: William Thomas Babbitt, Reg. No. 39,591

Our Docket No.: 5618P2977

Number of pages 14 including this sheet.

Application No.: 10/027,877

**Filing Date:** 12/19/2001

Enclosed are the following documents:

**DEPARTMENT OF STATE** 

Enclosed are the following documents:

Digitized by srujanika@gmail.com

- Issue Fee Transmittal
  - Notice of Appeal
  - Petition for: \_\_\_\_\_
  - Request for Continued Examination (RCE)
  - Reply Brief ( \_\_\_\_ pgs)
  - Request & Certification Under 35 USC 122(b)(2)(B)(i)
  - Request to Rescind Previous Nonpublication Request
  - Response to Notice of Missing Parts & Formalities Letter
  - Response to Written Opinion ( \_\_\_\_ pgs)
  - Terminal Disclaimer
  - Transmittal of Publication Fee Due
  - Transmittal Letter

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))**

*I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office.*

Nedy Calderon  
Nedy Calderon

10/11/2005

*Date*

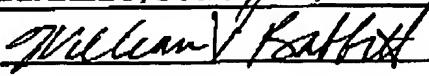
**Confidentiality Note:** The documents accompanying this facsimile transmission contain information from the law firm of Blakely, Sokoloff, Taylor & Zafman which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

If you do not receive all the pages, or if there is any difficulty in receiving, please call: (310) 207-3800 and ask for Nady Calderon.

OCT 11 2005

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application No.	10/027,877
		Filing Date	December 19, 2001
		First Named Inventor	William E. Webler
		Art Unit	3736
		Examiner Name	Jonathan M. Foreman
Total Number of Pages in This Submission	13	Attorney Docket Number	5618P2977

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; height: 40px; width: 100%;"></div>
<input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	William Thomas Babbitt, Reg. No. 39,591 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	October 11, 2005

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office.			
Typed or printed name	Nedy Calderon		
Signature		Date	October 11, 2005

Based on PTO/SB/21 (04-04) as modified by Blakely, Sokoloff, Taylor & Zafman (W) 06/04/2004.  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

RECEIVED  
CENTRAL FAX CENTER

Oct-11-05 03:06pm From-B S T Z

310 820 5988

T-032 P-803/914 F-034  
OCT 11 2005

## FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.

**TOTAL AMOUNT OF PAYMENT** (\$)  
**0.00**

### Complete If Known

Application Number	10/027,877
Filing Date	December 19, 2001
First Named Inventor	William E. Webler
Examiner Name	Jonathan M. Foreman
Art Unit	3736
Attorney Docket No.	5618P2977

### METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  None  Other (please identify): \_\_\_\_\_  
 Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayment of fee(s)  Credit any overpayments  
under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

### FEE CALCULATION

#### 1. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	21	25 = 0 X 50.00 = \$0.00	
2	3 = 0 X 200.00 = \$0.00		
Multiple Dependent			

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 50	2202 25	Claims in excess of 20
1201 200	2201 100	Independent claims in excess of 3
1203 300	2203 180	Multiple Dependent claim, if not paid
1204 300	2204 150	**Reissues independent claims over original patent
1205 300	2205 150	**Reissues claims in excess of 20 and over original patent
<b>SUBTOTAL (1)</b>		(\$) 0.00

\*or number previously paid, if greater. For Reissues, see below

#### 2. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description
1051 130	2051 65	Surcharge - late filing fee or oath
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet
2063 130	2053 130	Non-English specification
1251 120	2251 60	Extension for reply within first month
1252 450	2252 225	Extension for reply within second month
1253 1,020	2253 510	Extension for reply within third month
1254 1,690	2254 785	Extension for reply within fourth month
1255 2,160	2255 1,080	Extension for reply within fifth month
1401 500	2401 250	Notice of Appeal
1402 600	2402 250	Filing a brief in support of an appeal
1403 1,000	2403 500	Request for oral hearing
1451 1,810	2451 1,510	Petition to institute a public use proceeding
1460 130	2460 130	Petitions to the Commissioner
1807 50	1807 50	Processing (as under 37 CFR 1.17(a))
1808 180	1808 180	Submission of Information Disclosure Stmt
1809 700	1809 395	Filing a submission after final rejection (37 CFR § 1.129(b))
1810 700	2810 395	For each additional invention to be examined (37 CFR § 1.129(b))
Other fee (specify)		
<b>SUBTOTAL (2)</b>		(\$)

### Fee Paid

### SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	William Thomas Babbitt	Registration No. (Attorney/Agent)	39,591	Telephone	(310) 207-3800
Signature				Date	10/11/05

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wir) 12/15/2004.  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Oct-11-05 03:06pm From-B S T Z

310 820 5988

T-032 P-0046014 F-034  
OCT 11 2005

<b>FEE TRANSMITTAL for FY 2005</b>		Complete if Known	
Patent fees are subject to annual revision.		Application Number	10/027,877
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Filing Date	December 19, 2001
TOTAL AMOUNT OF PAYMENT (\$)		First Named Inventor	William E. Webler
0.00		Examiner Name	Jonathan M. Foreman
		Art Unit	3736
		Attorney Docket No.	5618P2977

**METHOD OF PAYMENT (check all that apply)**

Check  Credit card  Money Order  None  Other (please identify): \_\_\_\_\_  
 Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

- Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayment of fee(s)  Credit any overpayments  
 under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

**FEE CALCULATION****1. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fees from below	Fee Paid
Independent Claims	21 - 25 = 0	0.00	\$0.00
Multiple Dependent	2 - 3 = 0	200.00	\$0.00

**Large Entity Small Entity**

Fee Code (\$)	Fee Code (\$)	Fee Description
1202 60	2202 25	Claims in excess of 20
1201 200	2201 100	Independent claims in excess of 3
1203 350	2203 180	Multiple Dependent claim, if not paid
1204 300	2204 150	**Release independent claims over original patent
1205 300	2205 150	**Release claims in excess of 20 and over original patent
<b>SUBTOTAL (1)</b>		<b>(\$)</b> <b>0.00</b>

\*or number previously paid, if greater. For Release, see below

**2. ADDITIONAL FEES****Large Entity Small Entity**

Fee Code (\$)	Fee Code (\$)	Fee Description
1051 130	2051 65	Surcharge - late filing fee or oath
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet.
2053 130	2053 130	Non-English specification
1261 120	2251 80	Extension for reply within first month
1252 450	2252 225	Extension for reply within second month
1253 1,020	2253 510	Extension for reply within third month
1254 1,680	2254 785	Extension for reply within fourth month
1255 2,180	2255 1,080	Extension for reply within fifth month
1401 500	2401 250	Notice of Appeal
1402 500	2402 250	Filing a brief in support of an appeal
1403 1,000	2403 500	Request for oral hearing
1451 1,510	2451 1,510	Petition to institute a public use proceeding
1460 130	2460 130	Petitions to the Commissioner
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)
1806 180	1808 180	Submission of Information Disclosure Stmt
1809 780	1809 395	Filing a submission after final rejection (37 CFR § 1.129(a))
4810 700	2810 395	For each additional invention to be examined (37 CFR § 1.129(b))
<b>Other fee (specify)</b>		<b>(\$)</b>
<b>SUBTOTAL (2)</b>		<b>(\$)</b>

**Fee Paid****SUBMITTED BY**

Complete (if applicable)

Name (Print/Type)	William Thomas Babbitt	Registration No. (Attorney/Agent)	39,591	Telephone	(310) 207-3800
Signature	<i>William T. Babbitt</i>			Date	10/11/05

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wef) 12/15/2004.  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

RECEIVED  
CENTRAL FAX CENTER

OCT 11 2005

REPLY UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE  
TECHNOLOGY CENTER 3736

Our Ref. No.: 5618P2977

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of: )  
William Earl Webler )  
Application No.: 10/027,877 )  
Filed: December 19, 2001 )  
For: METHOD AND APPARATUS FOR )  
DETERMINING INJECTION DEPTH )  
AND TISSUE TYPE )  
\_\_\_\_\_  
Examiner: Jonathan M. Foreman  
Art Unit: 3736

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE TO FINAL OFFICE ACTION**

In response to the Office Action dated August 11, 2005, Applicant respectfully requests entry of the amendments set forth below and consideration of the remarks that follow.